

Public Outreach



Issue Paper Discussion
City of Rockville, Maryland

December 12, 2005

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**City of Rockville
Zoning Ordinance Revision
Issue Paper**

PUBLIC OUTREACH

I. INTRODUCTION

Public participation is important to making decisions. Participation by the citizens of a community brings the various knowledge, skills, and enthusiasm of the citizen base to the decision making process. Each person in a community has a stake in making that community better. Citizens live in the community and through their daily lives become aware of the successes and failures of that community. As a result, public input in discussion can lead to better decisions. These decisions, with the invaluable knowledge of citizens, can ensure that the decisions made have more validity.

Public outreach for purposes of the comprehensive zoning revisions means 1) education on basic zoning concepts; 2) input on policy decisions; and 3) education of the consequences of the changes proposed. It is important to have citizen support and understanding of what the comprehensive zoning revision is and what it will mean to them in order for the document to provide the type of community the community wants to see. This citizen understanding is best completed prior to the adoption stage of the ordinance so that citizens can help shape the document into the tool it is meant to be to implement the vision of the City. Incorporation of citizens concerns and input at the drafting stage will also facilitate the process of actual adoption. Early knowledge will limit the number of necessary revisions later, which would delay adoption.

Zoning will directly affect the citizens of Rockville. The process of the revision is multi-layered. To provide direction to the first draft, staff is using policy decisions (from the Master and individual neighborhood plans) and incorporating policy concerns previously addressed by citizens (as expressed to the City in neighborhood meetings and in public forum opportunities before Mayor and Council). Additionally, research papers have been completed to provide background information and discussion on major policy issues to be included in the zoning revision. Already, the Mayor and Council have made overarching policy decisions through white paper discussions. As the zoning revision process gradually progresses into the minutia of the text amendment, the more important citizen input will be in making these decisions.

To the average person, zoning is a very dry subject. It will be a difficult task to raise and maintain public interest. As a result, public participation often narrowly represents a select group of interests. The challenge is to stimulate participation from the full range of citizen viewpoints of the City. In order to attract citizen interest and promote involvement, the City intends to use a variety of methods to inform the public and to gather feedback. To make the process more interesting, visuals will be incorporated wherever possible with each outreach



method to help citizens understand the potential changes that different zoning modifications will bring.

II. PROPOSED PUBLIC OUTREACH SCHEDULE

The following list provides a variety of actions that the City will use to keep the public informed about the latest zoning actions.

A. Written Reports

1. Rockville Reports – Staff has already discussed with the Public Information department the ability to incorporate regular updates regarding the zoning revision in the Rockville Reports. These reports will highlight the latest status of the revision. In addition, these articles will provide information on when zoning revision presentations are scheduled before Mayor and Council or the Planning Commission. (**Implementation Date:** December '05 to adoption of ordinance)

The following are broad ideas for articles. These particular topics may not be used, but are given to provide a sense of the types of articles to appear in the Rockville Reports.

- a. MONTH 1 – What's Going on with Land Use in Rockville?
This would explain the three issues and terms that are being used but not everyone might understand. Included may be a comparison of the three land-use terms being used in the City – APFO, Mansionization, and the Comprehensive Zoning Revision. Also to be explained is how these three concepts work together.
- b. MONTH 2 – What's That Mean?
Staff has presented a number of policy issues to Mayor and Council regarding decisions that will be incorporated into the revision. This article would identify the key terms from these documents, so that the community will understand them as we continue discussions. The zoning link from the Rockville City Website will also include a definition section of key terms. Terms would include the following list.
 - i. Form Based zoning
 - ii. Euclidian Zoning
 - iii. Optional Method (a.k.a. "Special Development Procedures")
 - iv. Nonconformities
 - v. Building Envelope
- c. MONTH 3 – What Happened in 2005?
This would hopefully be done sometime early in the New Year. Since the idea of a zoning revision has been floated around for a few years, and 2005 was the first year the process actually began, people will wonder where we are. In this article the status of the project will be discussed. The article will be based, in part, on

the overview presentation to be given to Mayor and Council in December on the status of the revision.

2. Neighborhood / Civic Association Summaries - Staff proposes a bi-monthly update be sent to the individual neighborhood organizations. This summary would highlight the status of the revision from the past months and provide a tentative schedule for the upcoming months. In particular, the summary will highlight what decisions have been made and when Mayor and Council or the Planning Commission intend to meet to discuss additional issues. Additionally, contact information for City Staff will be provided on these summaries, if the neighborhood or civic association would like additional information or a personal presentation regarding the zoning revision. A sample summary is attached to this document. (**Implementation Date:** Estimated bi-monthly from December '05 to adoption of ordinance)
3. Water Bill Notification – A number of communities have included a brief notice in service bills to alert citizens of some major change in policy. At some point during the revision, staff is considering including a notice informing the public that the City is undergoing a zoning revision and that the policy incorporated into the revision could affect them. A sample notice is attached to this document.

The water bill notification may not be the most effective way to alert the public. Many people do not read inserts in their water bills. Staff will continue to consider the costs of a water bill announcement against the likely benefit. In the alternative, a direct mailing may be sent out to citizens using similar language to the water bill notification. (**Estimated Implementation Date:** January '06)

4. Press Releases – The Public Information department of the City will also be completing regular press releases on the zoning revision from 1) direct information from staff and 2) the information provided in the Rockville Reports and Neighborhood Summaries. (**Implementation Date:** December '05 to adoption of ordinance)

B. Television Broadcasts

1. Meeting Presentations – As is the current procedure, each Mayor and Council and Planning Commission meeting will include a PowerPoint presentation with illustrations and bulleted information to emphasize the key issues to be discussed. These meetings are televised on Channel 11 where the presentation is displayed in full-screen for the viewers at home. (**Implementation Date:** Continually as needed until adoption of ordinance)
2. Interviews – Staff will provide some educational background through a summarized presentation of key points to be replayed on-air. In addition, or in the alternative, staff will provide regular televised interviews of the latest actions of the zoning

ordinance revision. (**Estimated Implementation Date:** Bi-monthly or as needed until adoption of ordinance)

C. Website

1. Special Link – Incorporated on the website will be a special link to provide easy access to white papers, other issue papers, PowerPoint presentations, contact information, and other applicable documents as the process continues. A meeting schedule, highlighting only zoning issues, will also be provided on that link. (**Implementation Date:** December '05 and continually updated until adoption of ordinance)
2. Further Explanation – Staff will include links and summaries of key terms that we use in the zoning revision. This would highlight terms that will be used in presentations, and are included in written documents, but which the average citizen might not read. For example, the terms “form based zoning,” “optional methods,” and “urban design” would need to be defined. (**Implementation Date:** January '06)

D. Direct Citizen Discussions

1. Individual Citizen Presentations – Staff will notify civic associations, neighborhood associations, and homeowner associations to inform them of the zoning revision process. At the request of individual citizen groups, staff will lead summary presentations on the status of the various issue papers and policy decisions of the Mayor and Council. When the outline is drafted, staff will also lead a discussion on the key changes to the zoning code that will be created by the zoning revision. (**Implementation Date:** January '06 through adoption of ordinance)
2. Citizen Forums / Public Hearing – Staff encourages citizen feedback at citizen forums until the adoption process is underway. Through the adoption process, citizens will have the opportunity to comment at the Planning Commission and Mayor and Council public hearings. (**Implementation Date:** Present through adoption of ordinance)
3. Staff Contact – Staff also encourage the public to contact them about particular concerns regarding the comprehensive zoning revision. The staff contact for these discussions will be Somer Cross. Her e-mail address will also be posted on the zoning link. (**Implementation Date:** Present through adoption of ordinance)

E. Review Committee

In the Spring of 2006, staff expect to embark on the next step of the revision process, the review of an annotated outline. The annotated outline will provide an overview of what will be the structure and general substance of the new zoning code. The information provided in that outline will be used to discuss both the organization of the ordinance and

more particular policy decisions taken from the white and issue paper discussions. A review committee should be appointed to provide guidance on whether the modifications suggested in the outline represent the direction the City would like the zoning revision to take.

After completion of the outline stage, the review committee will need to be reconvened in the fall and winter of 2006 to review the actual language of each article.

To facilitate the process, staff recommends that the review committee be a relatively small group. Nine members are considered a workable committee. Besides representatives from Mayor and Council, the Planning Commission, and the Board of Appeals, staff suggest including five citizens (2 from the development community and 3 additional citizens).

The review committee will require a significant amount of time. The actual time required will not be determined until the committee begins the work. Estimates, however, expect that the outline will require 3 or 4 meetings of 2 to 3 hours in length. Because citizens will be involved in the committees, evening meetings are expected. In the alternative, a day-long Saturday meeting could be held. In the fall, when the draft articles will be reviewed, 5 to 10 meetings of 3 to 4 hours in length are expected.

Staff has considered a number of options as to how to appoint the members of this committee. The following is the recommended method of appointment:

1. Mayor and Council appoint the board representatives from Mayor and Council (1), Planning Commission (2), and the Board of Appeals (1);
2. Citizens should be appointed through an application process:
 - a. Applications should be made available through the City Clerk's Office (**December '05**)
 - b. The City Manager will appoint staff to review the applicants. The City Manager will then recommend to Mayor and Council those applicants that have the most qualifications to serve, and who are most willing to dedicate the significant amount of time that will be needed to complete the review; and (**January '06**)
 - c. Mayor and Council then will review staff's recommendations and appoint the committee members. (**February '06**)

Staff recommends that either the Mayor or Council representative or the Planning Commission representative act as chair of the committee.

The application for this review committee will ask particular questions to ensure that the selected applicants are 1) qualified and 2) willing to commit the time needed to the project. The best qualifications include education and experience with zoning.



III. RECOMMENDATION

Staff recommends going forward with the proposed public outreach schedule as listed in section II. Staff seeks guidance from the Mayor and Council as to whether to 1) specifically not include any of the proposed methods listed above and/or 2) include any additional actions not listed. With the Mayor and Council's approval, staff will start immediately to implement this plan.

VI. CONCLUSION

Staff has proposed a number of methods to involve the citizens of Rockville in the comprehensive zoning revision process. Planning staff will continue to meet with the Communications Committee of the City of Rockville to discuss these options and to determine if there are any alternative methods to use. In the meantime, staff is seeking any recommended alternatives to this procedure from the Mayor and Council.

VII. ATTACHMENTS

1. Comprehensive Zoning Revision General Timeline
2. Zoning Revision - Neighborhood Summary November, 2005 (SAMPLE)
3. Water Bill Notification (SAMPLE)

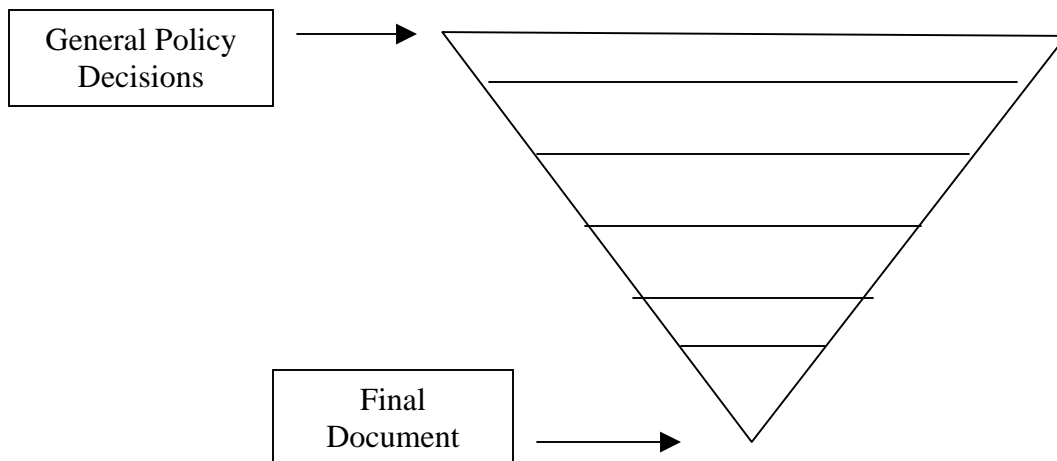
Comprehensive Zoning Revision General Timeline*

	Fall '05	Winter '05/'06	Spring '06	Summer '06	Fall '06	Winter '06/'07	Spring '07	Summer '07
Mayor and Council / Planning Commission Involvement	White Paper discussions	Continue Issue Paper discussions	Review outline draft	DRAFTING ORDINANCE	Begin review of draft Articles.	Continue review of draft articles	Begin adoption process of draft articles.	Adopt entire Ordinance
Public Involvement	Rockville Reports neighborhood summaries, televised presentations, Comment via e-mail phone or in person, opportunities for individual presentations at request	Rockville Reports neighborhood summaries, televised presentations, Comment via e-mail phone or in person, opportunities for individual presentations at request	Continue with previous involvement opportunities; Citizens involved in review committee will review outline		Continue with previous involvement opportunities; Citizens involved in review committee will review document	Continue with previous involvement opportunities; Citizens involved in review committee will review document	Continue with previous involvement opportunities; public input at public hearings	Continue with previous involvement opportunities; public input at public hearings
Staff Involvement	Draft and Review White Papers to make recommendations; draft public summaries	Draft and Review Issue Papers to make recommendations; draft public summaries	Draft and review outline; draft public summaries		Continue writing Ordinance; draft public summaries	Revise Ordinance; draft public summaries	Assist in adoption process; revise Ordinance; draft public summaries	Assist in adoption process; draft public summaries

*Actual dates are subject to change.

Comprehensive Zoning Revision Status Summary November 2005

The Comprehensive Zoning Revision process is currently underway! In August and September, City staff began drafting a number of issue papers covering the major topics of discussion. These policy decisions will help shape the form of the final document. This is the general policy decision stage of the review process. If the zoning process was viewed as a funnel, with the spout being the final document, we are only in the outer rim of that funnel making broad policy decisions. With each new stage of the process, the decisions to be made will be more and more particular.



General Policy Decisions

As of November, 2005, Mayor and Council have discussed the general policy issues regarding urban design, optional method, nonconformities and competing policies. The following is a brief summary of each topic and the recommendations of the Mayor and Council. These are very general discussions on the topics and recommendations. Details from each topic can be found in the White Papers (formal reports on the issues presented to Mayor and Council) created by staff, reviewed by Mayor and Council and the Planning Commission and soon to be posted on the City's website. If you would like a hard copy of these documents, please contact the Planning Division at 240.314.8200.

While reviewing these policy topics, it is important to note that no policy decision in zoning is independent of any other. Any one decision can affect a variety of policy considerations.

Urban Design

Urban design is the visual motif of the city, or a particular part of the city, to achieve a high quality of life for the public. Livability is the goal of urban design. The regulations to promote quality design consider how buildings and the spaces between them (public spaces) interact. Design components, which are regulated in an urban design code, are building bulk, use, height, and facades as well as street patterns, streetscape elements, and natural features. These components are the building blocks to a community's character and unique sense of place.

Rockville has a unique quality that should be emphasized and encouraged. Not quite a true "urban center" and yet not quite a "small town," Rockville offers the best of both worlds. The zoning revision should continue to encourage the development of mixed use, urban areas like Twinbrook Metro Area, Rockville Pike, and the Town Center in addition to providing options for neighborhood developments like King Farm. These areas of Rockville will encourage visitors to visit and residents to interact, because there is always something to see or do. On the other hand, the "community feel" of distinct Rockville neighborhoods should be encouraged and maintained. In these neighborhoods, residents should have a pleasant streetscape to encourage walking to community centers and activity areas, where they can foster and maintain personal connection with neighbors.

Optional Methods (a.k.a. "Special Development Procedures")

There are currently six "special development procedures" within the zoning ordinance for the City of Rockville. These procedures allow for large tracts of land, under a single ownership, to be developed in a manner particular to that tract of land. Also known as "planned developments" in common parlance, these options allow for large-scale development outside the requirements of the underlying zone. In essence, these options allow a developer to design a tract of land using their own bulk requirements (such as building height, setback, and lot coverage requirements), within given boundaries, so long as they meet the prescribed approval process and the established goals of the City provided for that type of development option. In other words, development under special development procedures may develop individual use, setback, height, area, and other requirements that are different from their neighbors if they undergo a review process. This review process ensures that development does not create a nuisance to neighbors.

Staff has determined that the existing six separate special development options all have the same goal – to provide flexibility in design to achieve a high quality livable environment. The intensity of the development and the requirements for approval differ. The best solution is to modify the existing processes while adding new alternatives. To encourage the future use of these development options, the proposed modifications would simplify the process into only two choices.

Planned developments are important to encourage because they provide procedures for the development of large parcels of land in order to reduce or eliminate the problems that could arise in large scale development that would result from application of zoning standards and procedures designed primarily for small parcels. In particular, special development procedures encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods. As a result, options to development are a key tool in providing quality urban design, adequate open space, and variety in design. The following are the two proposed options to be developed through the course of the zoning revision.

1. **Amenity Development Option** – A certain level of optional methods should be automatic to encourage developers to use these options. The current optional methods are not truly “optional” as they require multiple layers of negotiation for approval through various board and staff reviews. Few guarantees of approval can dissuade developers from using these options.

This special development procedure will allow no discretion in approval, in certain situations and Planning Commission review in other situations. If the developer meets X number of requirements, they will be given Y number of development rights. Set standards will be provided to ensure that the development will meet the goals of the special development procedure.

2. **Planned Development Option** – The current special development options provided in the existing zoning code should be consolidated into one process. This option will be applied to large-scale developments. In particular, emphasis will be on consolidating the current Planned Residential Unit and Comprehensive Planned Development options. At this tier of approval, negotiations on a case-by-case basis will be considered and will be reviewed at staff, Planning Commission, and Mayor and Council levels.

Competing Policy Considerations

A zoning code controls the pace and character of development and growth. During the course of a zoning revision, many policy decisions must be made to determine what that pattern and pace will be. Decision making within the sphere of zoning is a cumulative process. Each factor relies on the previous decision. While overarching visions (to favor rapid growth or to limit new construction) can assist revision writers, there are a number of smaller policy decisions, which build on each other, that are also essential to guide the development of the code. To facilitate the process, and to save much re-write time later, staff created a competing policies paper to ask these important questions now. These decisions will provide the analytical framework behind future staff amendments.

Additional policy decisions will be needed as the zoning revision process continues and will be addressed as they come forward. Already, a list of minor issue papers has been developed and will be presented to Mayor and Council early next year. As an initial step

to address the known concerns, staff made the following general recommendations on the policy issues and questions.

1. **Streamlining** – A number of streamlining methods were recommended in the initial paper. The overarching recommendation is to provide general streamlining of the code language and simplification of administration, where applicable.
2. **Processes, Resources, and Flexibility** – Staff supports the application of what may be riskier processes, the inclusion of new resources, as needed, and the inclusion of flexible regulations to meet the particular needs of the new regulations. A broad educational effort must be included in the zoning adoption to teach the public, staff, and various boards about any new processes or resources that may be included.
3. **Prioritization** – Staff agrees that the top priority for all policy considerations in the revision is to preserve the health and safety of the City. Besides health and safety, no one priority will trump any other priority in *every* situation. A list of identified policy considerations has been created from which particular regulations will be drafted, purpose statements will be developed, and amenity requests will be taken.

Nonconformities

A nonconformity is a use or development standard (i.e. structure or improvement) that was lawfully created prior to the effective date of a zoning ordinance or a subsequent amendment thereto. The nonconformity does not meet the current zoning ordinance's minimum requirements for the district in which it is located. Without an allowance for nonconformities, the use, lot, structure, or feature would be illegal. When a zoning code provides provisions for a nonconformity, the use is legally permitted to continue, though it may be out of synch with the overall vision of a zoning revision or amendment. Nonconformity regulations never protect uses, lots, or structures, which were not lawfully established or constructed in accordance with the regulations in effect at the time of their creation.

It is not the desire of the City to deprive property owners of their investment in land use; however, the City has a strong desire to promote the character and development idealized and legislated in the revised zoning code. As a result, staff recommends permitting certain types of nonconformities but requiring a strict review for any modifications thereof.

As the remaining policy considerations, white papers, and issue papers are addressed, the shape of the zoning ordinance will be fleshed out. When the types of regulations and changes that will be included in the comprehensive zoning revision are known, staff intends to re-address this topic. New policies, new forms of regulations, and new priorities in the code will need to be eased into existing development. When these

policies and regulations are known, staff will return to the Mayor and Council with a discussion on what nonconformities will be formed by the changes.

Upcoming Policy Discussions

The next few months will address additional general policy discussions. These include follow-up discussions for the three topics discussed above as well as some additional topics. The following is a list of Mayor and Council meetings to address these issue papers. Mayor and Council meetings will be televised live on Channel 11. Please see the City's website for up to date agenda items and discussions.

1. December – White Paper Review and Accessories
2. January – Land Uses, Parking, Approving Bodies, Buffers / Landscaping
3. February 13 – Environmental Performance Standards, Sidewalks

For Additional Information

For additional information regarding the zoning revision, please check the City of Rockville's website at www.rockvillemd.gov or contact the Planning Staff directly at 240.314.8200.

NOTICE

The City of Rockville is currently undergoing a comprehensive zoning revision. The changes made to the revised document could affect you. Your involvement in the process can help ensure that the new zoning ordinance creates the quality livable environment we all want in the City.

There will be several steps to the revision process. Currently the Mayor and Council are reviewing policy papers that will direct the course of the revision. These papers will be available on-line at the City's website (<http://www.rockvillemd.gov>). Also, the papers are presented at public meetings, which you may attend or watch on Channel 11. A schedule of the meetings is available on the City's website.

In the next step, beginning next spring, the Mayor and Council will review a proposed outline for the new zoning ordinance. If you would like to serve on a review committee for that outline, please contact the City Manager's office at (240) 314-8103.

The City hopes to complete the entire process by the summer of 2007. Until then, we will provide regular updates in the monthly Rockville Reports and direct updates will be provided to neighborhood associations. There will be multiple opportunities for citizen comment throughout this process.

Regularly check the City's website for the latest schedule and highlights from past discussions.